

RULES AND ORDERS OF THE HOUSE.

REPORT

OF THE

COMMITTEE ON THE RULES AND ORDERS OF THE HOUSE.

JANUARY 7, 1840.

Read, and made the special order of the day for Thursday, the 9th of January instant, at half past one o'clock.

Mr. HOFFMAN, from the Select Committee to which the subject had been referred, submitted the following

REPORT:

The committee appointed under the resolution of the 21st of December, "referring the standing rules and orders of the House to a committee, with instructions to report such amendments thereof as they may deem expedient," report the present rules of the House, with the following amendments:

9th rule. Strike out the word "ballot," in the first line, and insert the word "election;" so that the rule, as amended, may read: "In all cases of election by the House, the Speaker," &c.

31st rule. In the first line, strike out the word "twice," and insert the word "once." Strike out from the word "House," in the second line, and insert, "unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken;" so that the rule, as amended, may read: "No member shall speak more than once to the same question, without leave of the House, unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken."

32d rule. Strike out the word "twice," in the third line.

42d rule. After the word "adjourn," in the first line, insert, "and a motion to fix the time to which the House shall adjourn." Strike out the word "that," in the first line, and insert, "these motions;" so that the rule, as amended, may read: "A motion to adjourn, and a motion to fix the time to which the House shall adjourn, shall be always in order: these motions, and the motion to lie on the table, shall be decided without debate."

44th rule. Strike out after the word "and," in the fourth line, to the word "question," in the fifth line, inclusive, and insert: "its effects shall

be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question;" so that the rule, as amended, may read: "The previous question shall be in this form, 'Shall the main question be now put?' It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion," &c.

Resolved, That after the adjournment of this session of Congress, the Speaker direct the desks before the seats of members to be removed.

Amendments to the Rules, proposed by Mr. Banks, a member of the Committee, with the assent of the Committee.

The parts proposed to be stricken out are between brackets []—the insertions in *italics*.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared; *and the lobbies to the south of the room of the sergeant at-arms, and of the post office, shall be preserved for the exclusive use of the members of Congress, and of those they may invite therein.*

14. No person, except members of the Senate, their [Secretary,] *officers*, Heads of Departments, Treasurer, Comptrollers, *Solicitor*, Register, Auditors, Postmaster General, *Assistants Postmaster General*, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress, [for their gallantry and good conduct displayed in the service of their country,] the Commissioners of the Navy Board, Governor [for the time being] of any State or Territory of the Union, [who may attend at the seat of the General Government during the session of Congress, and who may choose to avail himself of such privilege, such gentlemen as have been] *ex-heads of Departments*, [or] *ex-members of [either branch of the Legislature, and, at the discretion of the Speaker, persons who belong to]* *Congress, members of* such Legislatures of foreign Governments as are in amity with the United States, *Mayors of the several cities of the District of Columbia, Commissioner of Public Buildings*, shall be admitted within the Hall of the House of Representatives.

23. After one hour shall have been devoted to reports from committees, and resolutions, *with the exception of the Mondays specified in the preceding rule*, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second

reading. The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day; *and while the business on the Speaker's table is thus being disposed of, no motion shall be received but to adjourn, or to reconsider a vote; nor shall it be in order to move a suspension of rules while the House is disposing of business under this rule.*

25. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by [a majority] *two-thirds* of the House.

26. On the first and fourth Friday of each month the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; *after which, the House, or the Committee of the Whole, as the bills may be in the House or the Committee, shall return and take up in regular order the bills which had been objected to. Private bills, ordered to be engrossed on Friday or Saturday, shall receive their third reading on the day appointed, without waiting for the next private bill day.*

27. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality. *No member shall be recognised by the Speaker who addresses him from the main aisle of the House.*

Insert after Rule 28—

An appeal may be admitted pending an appeal; but more than two appeals can not be pending at the same time.

29. If a member be called to order for words spoken in debate, the person calling him to order shall [repeat the words excepted to, and they shall be taken down in writing at the Clerk's table] *reduce to writing the words excepted to, and hand them to the Clerk's table, for the decision of the Chair thereon; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.*

37. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before [debated] *another motion be made affecting the same, or before it can be debated; but this shall not preclude a member from explaining or speaking to a proposition he may be about to submit.*

40. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone [to a day certain, to commit or amend, to postpone indefinitely] *indefinitely—to postpone to a day certain—to commit, or to amend; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone indefinitely, to postpone to a day certain, or to commit, [or to postpone indefinitely,] being decided in the negative, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.*

43. The hour at which every motion to adjourn is made, shall be entered on the Journal, *if the yeas and nays be taken thereon.*

47. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition *by adding the enacting or resolving and necessary connecting words*, shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible: but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

50. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; *and in case of a tie vote a motion to reconsider may be made by a member who voted in the negative. In questions in which two-thirds are necessary to carry the affirmative, a member who voted on that side which prevailed, may move a reconsideration; and a motion for reconsideration in this case shall be decided by a majority; and [such motion shall] motions to reconsider shall immediately take precedence of all other questions, except a motion to adjourn.*

52. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day, *or when the hour arrives for proceeding to that class of business to which the unfinished business belonged*, and no motion on any other business shall be received, *when said hour arrives*, without special leave of *at least two-thirds of the House*, until the former is disposed of.

72. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; [to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers.]

After Rule 84, insert—

It shall be the duty of the Committee on Manufactures to take into consideration all such petitions and matters or things touching manufactures and the manufacturing interest, and the improvement of the arts and sciences, as shall be presented, or shall or may come into question, and be referred to said Committee, and to report thereon, from time to time.

It shall be the duty of the Committee on Indian Affairs to take into consideration all such petitions, propositions, matters and things touching the relations of the United States and the citizens thereof, with Indians or Indian tribes, or touching the relations and intercourse of Indians with Indians, as shall be presented, or shall or may come into question and be referred to said Committee, and to report thereon from time to time.

96. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their [travel to and from the seat of Government, and their] attendance in the House.

110. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, [or to a Committee of the Whole House; if to a Committee of the Whole House, the House shall determine on what day; if no motion be made to commit, the question shall be stated on its engrossment; and if be not ordered to be engrossed on the day of its being reported.] *or to either of the Committees of the Whole, if no motion be made to commit, or no request be made to place it in the general file on the Speaker's table, it shall be engrossed for a third reading without a question; but if objection be made to the engrossment, it shall be placed in the general file on the Speaker's table, to be taken up in its order, at the time specified in the 5th clause of the 23d rule.* But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

Insert before Rule 116—

There shall be three standing committees of the whole House, viz: a Committee of the Whole on the state of the Union, a Committee of the Whole on public bills and other matters of a public nature, and a Committee of the Whole on private bills and matters of a private or local nature; when subjects are committed to the Committee of the Whole on the Union, the motion shall so specify. All other commitments shall be arranged by the clerk to that Committee of the Whole to which they may appropriately belong.

116. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union; and it shall be in order at any time, when no question is before the House, to go into this committee.

Insert between 116 and 117—

It shall not be in order to move to go into Committee of the Whole on any particular bill, but to go into Committee of the Whole, specifying which committee; and when the committee is formed, it shall decide, immediately and without debate, what bill or bills or subject it will consider; but if, no motion be made to take up a particular bill or bills, or the motion be refused, the calendar shall be proceeded in regularly.

118. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble and title to be last considered; and when a bill has been read by sections and no motion is made to amend, and no opposition be made to it, it shall be laid aside to be reported to the House; if opposition be made, the committee shall determine what report shall be made to the House. The body of [the] a manuscript bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. All amendments reported from the committee shall be acted upon before it shall be in order to amend the bill in the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

Between 118 and 119 insert the three following—

A motion for the committee to rise shall be decided without debate; and when the committee shall rise, it will report all matters which have been

laid aside, or ordered to be reported. No leave to be asked to sit again, nor progress reported upon unfinished bills.

All bills favorably reported from the Committee of the Whole, without amendment, shall be engrossed for a third reading without a question, unless they be excepted to by two members, in which case the question shall be put to vote; and so in the case of bills reported with amendments, after the amendments shall have been acted upon in the House. But if the House adjourn before such decision, the question shall come up and be decided when the orders are again announced, and before the House go into Committee of the Whole again on the same class of bills; so as to keep the calendar clear of bills which have been finally acted upon in Committee of the Whole.

No special order of the day shall be created unless by vote of two-thirds; and the mode of creating a special order shall be to commit to a special committee of the whole House, or to postpone to a day certain. In the latter case, if it be intended to make it a special order, the motion shall so state.

121. All questions, whether in committee or in the House, *except as in Rule 40*, shall be propounded in the order in which they were moved, [except] *excepting also that, [in filling up blanks,] the largest sum and longest time shall be first put; and in questions involving sums, numbers, or time, the matter shall be considered as in blank.*

126. No standing rule or order of the House shall be rescinded, [or] changed or *suspended* without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

129. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker; and *when such service shall be performed, children shall not be admitted; and the seats within the bar shall be reserved for members of Congress and ladies only; and the doorkeepers are charged with the strict execution of this rule.*

DECEMBER 30, 1839.

Mr. UNDERWOOD offered the following propositions, to amend the rules of the House, which were read, and referred to the Select Committee on the Rules and Orders of the House.

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Returned by the Committee, and ordered to be printed.

Amend 18th rule by adding—

He shall, at the hour of 12 o'clock, M., attend in the Hall of the House of Representatives, on the meeting of the next Congress succeeding that in which he was elected, and then and there call the members to order. He shall then and there call the roll of the members of the House of

Representatives of the new Congress; in making out which roll, he shall place thereon the name of each person who exhibits a commission or certificate of election in conformity to the laws of the State he claims to represent. Each person called, who answers to his name, and against whom no objection is urged to his taking a seat, shall be counted by the clerk in ascertaining whether there be a quorum present; and each person so called, against whom objection may be made, shall not be counted, but the clerk shall pass on and call another. After the roll shall have been called through, if there be a quorum present of persons against whom no objections have been raised, the clerk shall proceed to put the question to that quorum upon the objections, which he shall do in the following manner: "Objections have been made to the recognition of Mr.

as a member of the House of Representatives of the Congress; those who are of opinion that the objections made are sufficient to prevent the recognition of said as a member, and to prevent him from participating in the organization of the House, will say aye, those of a contrary opinion, will say no." If the question is decided in the affirmative, the person objected to shall not participate in the organization of the House; if it is not, he shall. The clerk shall put the question upon the objections raised against each person separately, and in the order the objections were made. He shall call the roll by States, beginning with Maine, and call the thirteen original States, and Vermont, as their territories adjoin, and then call the other States, according to the date of their admission into the Union. The Clerk shall preside and put all questions until a Speaker of the House is elected. If an adjournment be moved and carried, the Clerk shall adjourn the meeting until the next day at 12 o'clock, M.

Amend 44th rule—

If the House determine that the "main question be now put," that main question shall be upon the adoption of the pending amendments to the original proposition, if there be any such, and if none, then upon the original proposition.

Amend 71st rule by adding—

But each contested election shall be referred to a committee of nine, and such committee shall be raised in the following manner: Each party to the contest shall furnish the adversary party with a list of names taken from the members. The parties, respectively, shall strike from the list furnished by the adversary, all the names except five. The ten names left upon the lists shall then be written on tickets, which shall be folded in such manner by the clerk as to conceal the name written thereon. The tickets shall then be placed in a box by the clerk, and from the box the Speaker shall draw one ticket. The names upon the nine tickets remaining in the box shall compose the committee to investigate the case, and report to the House. Contests which depend upon the same facts and principles, involving the right to a seat, if more than one person shall be referred to the same committee. The names placed on the lists furnished by each party, shall be read by the clerk, and members, as their names are called, may object to serving on the committee, and their objections shall be decided by the House. If any be excused, the party, upon whose list he was placed, shall furnish the name of another member in the place of the member excused.

Amend 106th rule by inserting—

After the words "acted on," the following: "and all questions upon referring business to committees."

Amend rule 131, as follows:—

And he shall, moreover, compile and make a separate journal of the yeas and nays, in such manner as to exhibit the question decided, excluding all other matter, and an accurate index thereof; and he shall cause twelve copies of such separate journal and index to be printed for each member of the House, to be by him distributed for the use of his constituents. The copies of the journal of yeas and nays so made and printed, shall be sent to members by the clerk in the same manner that he sends the complete journal.